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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,974	11/14/2003	Hussein Sallam	BDI0004-US	7503

7590 11/13/2008

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EXAMINER	
WINDER, PATRICE L	
ART UNIT	PAPER NUMBER
2445	
MAIL DATE	DELIVERY MODE
11/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/706,974	SALLAM ET AL.	
	Examiner	Art Unit	
	Patrice Winder	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) *30-36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29 and 37-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 August 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-29, 37-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Application specification describes communicating with smart telemetry devices in a native protocol. The specification implicitly suggests that there is more than one smart telemetry device in operation. However, the written description does not describe a second smart telemetry device operating according to a second native protocol, assuming the second protocol is different from the first protocol.

Drawings

3. The drawings were received on August 26, 2008. These drawings are accepted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-29 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezvani et al., USPN 6,686,838 B1 (hereafter referred to as Rezvani).

[claims 1, 4] Rezvani taught a system for two-way communication with a plurality of smart telemetry devices via a server using Web Services (abstract), the system comprising:

a server (monitoring module 28, column 6, lines 38-50), that receives, from an enterprise software application (browser), a request for information from two or more of the plurality of smart telemetry devices via a Web Service technology (column 7, lines 34-47), wherein at least a first of the two or more smart telemetry devices operates using a first protocol and a least a second of the two or more smart telemetry devices operates using a second protocol (different electrical signals operate devices 32, column 9, lines 6-14, 40-48), wherein the request is communicated from the enterprise software application to the server via Web Service technology (column 8, lines 28-36),

forwards the request for information to each of the two or more smart telemetry devices using their respective protocols (column 9, lines 2-14),

receives information from each of the smart telemetry devices in response to the request using the respective protocols of the two or more smart telemetry devices (both directions, column 9, lines 2-14), and

returns the information to the enterprise software application via the Web Service technology (column 6, lines 7-13). Rezvani does not specifically teach the “electrical signals” are a protocol. However, Rezvani does teach that the “electrical signals” are required to communicate input and output with the devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made that Rezvani's “electrical signals” are equivalent to a protocol. The motivation would have been because protocols are also used to communicate with a particular device.

[claims 2, 5] Rezvani taught the Web Service technology comprises one or more of XML, SOAP, WSDL, UDDI, HTTP, or SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claims 3, 6] Rezvani taught at least one of the plurality of smart telemetry devices comprises one or more of a controller device or a monitor device (column 7, lines 13-15).

[claims 7, 26] Rezvani taught a system for two-way communication with a plurality of smart telemetry devices via a server using Web Services (abstract), the system comprising:

a server (monitoring module 28, column 6, lines 38-50), that receives, from an enterprise software application (browser), a request for information from two or more of the plurality of smart telemetry devices via a Web Service technology (column 7, lines

34-41), wherein at least a first of the two or more smart telemetry devices operates using a first protocol and a least a second of the two or more smart telemetry devices operates using a second protocol (different electrical signals operate devices 32, column 9, lines 6-14, 40-48), wherein the request is communicated from the enterprise software application to the server via a first Web Service technology (column 8, lines 28-36),

forwards the request for information to each of the two or more smart telemetry devices via a second Web Service technology (virtual representation on device 32, column 9, lines 44-48; column 20, lines19-23),

receives information from each of the smart telemetry devices in response to the request via the second Web Service technology (virtual representation on device 32, column 9, lines 44-48; column 20, lines 23-32), and

returns the information to the enterprise software application via the first Web Service technology (column 20, lines 33-35). Rezvani does not specifically implement a different Web Services technology in use with the virtual representations. However, Rezvani suggests that XML, a different Web Services technology, could be used for communication, see column 17, lines 1-9. It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Rezvani's different Web Service would have been a extension to the communication interface to the telemetry devices. The motivation would have been because Rezvani suggests using XML in column 17, lines 1-9.

[claims 8, 27] Rezvani taught the first Web Service technology comprises one or more

of XML, SOAP, WSDL, UDDI, HTTP, or SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claims 9, 28] Rezvani taught the second Web Service technology comprises one or more of XML, SOAP, WSDL, UDDI, HTTP, or SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claim 10, 29] Rezvani taught at least one of the plurality of smart telemetry devices comprise one or more of a controller device or a monitor device (column 7, lines 13-15).

[claim 11] Rezvani taught the server provides Web Services accessible to the software application that provide communication and management interfaces for two or more smart telemetry devices (column 6, lines 14-26, 38-42), an infrastructure allowing for two or more smart telemetry devices to exchange services with the server (column 7, lines 1-8), and core Web Services that provide functionality to both the software application and the two or more smart telemetry devices (column 9, lines 40-48).

[claim 12] Rezvani taught configuration management that allows the application to determine the current settings for each of the two or more smart telemetry devices and to change a specific setting on each of the two or more smart telemetry devices (column 9, lines 21-34; column 11, lines 18-24).

[claim 13] Rezvani taught a directory service that enables the application to locate each of the two or more smart telemetry devices based on one or more of serial number, model number, location, state, communication protocol, and functions of a given smart telemetry device (column 9, lines 15-17, 27-34).

[claim 14] Rezvani taught a messaging service that allows the application to manage

the messages and alerts that the two or more smart telemetry devices can send (column 10, lines 56-60; column 11, lines 9-15, 50-63).

[claim 15] Rezvani taught a security service that allows the application to manage the access control and security settings for the two or more smart telemetry devices (column 17, lines 25-50).

[claim 16] Rezvani taught a device specific service that allows the application to access functions that are specific to each of the two or more smart telemetry devices (column 9, lines 44-48, 53-58; column 10, lines 1-10).

[claim 17] Rezvani taught a device message service that provides a mechanism for generating out-bound messages that are specific to each of the two or more smart telemetry devices (column 9, lines 2-14).

[claim 18] Rezvani taught a device message translator that translates incoming messages from the two or more smart telemetry devices into server scripts (column 14, lines 52-56).

[claim 19] Rezvani taught a device extension service that allows the two or more smart telemetry devices to offload functionality so that it may be executed on the server (column 10, lines 49-58).

[claim 20] Rezvani taught a device switchboard that is responsible for routing in and out message queues of the two or more smart telemetry devices (column 14, lines 15-30).

[claim 21] Rezvani taught a core configuration management service that allows the two or more smart telemetry devices to store its configuration parameters on the server (device descriptors 49, column 9, lines 22-30).

[claim 22] Rezvani taught a universal message service that allows each of the two or more smart telemetry devices to store its message on the server (column 11, lines 54-63).

[claim 23] Rezvani taught a dial-tone access management service that allows the two or more smart telemetry devices to communicate with the application using intermittent or shared connections (periodic communications, column 11, lines 50-63).

[claim 24] Rezvani taught a security core service that allows the two or more smart telemetry devices to communicate in a secure and non-repudiated manner (column 12, lines 19-27).

[claim 25] Rezvani taught a device class interface service that allows the two or more smart telemetry devices to specify the interface that that the application can use to access a given smart telemetry device (column 9, lines 2-6, 15-21).

[claim 37] Rezvani taught a method used by a server to facilitate two-way communication between an enterprise software application and a plurality of smart telemetry devices (abstract), the method comprising:

receiving a request for information from two or more of the plurality of smart telemetry devices via a Web Service technology (column 7, lines 34-41), wherein at least a first of the two or more smart telemetry devices operates using a first protocol and a least a second of the two or more smart telemetry devices operates using a second protocol (different electrical signals operate devices 32, column 9, lines 6-14, 40-48), wherein the request for information is to send information to the enterprise

application from each of the at least two smart telemetry devices via a protocol native to each of the smart telemetry device (column 8, lines 28-36), and

forwarding the information to the enterprise software application via a Web Service technology (column 6, lines 7-13). Rezvani does not specifically teach the "electrical signals" are a protocol. However, Rezvani does teach that the "electrical signals" are required to communicate input and output with the devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made that Rezvani's "electrical signals" are equivalent to a protocol. The motivation would have been because protocols are also used to communicate with a particular device.

[claim 38] Rezvani taught the Web Service technology comprises one or more of XML, SOAP, WSDL, UDDI, HTTP, or SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claim 39] Rezvani taught at least one of the plurality of smart telemetry devices comprises one or more of a controller device or a monitor device (column 7, lines 13-15).

[claim 40] Rezvani taught a method used by a server to facilitate two-way communication between an enterprise software application and a plurality of smart telemetry devices (abstract), the system comprising:

receiving a request for information from two or more of the plurality of smart telemetry devices via a Web Service technology (column 7, lines 34-41), wherein at least a first of the two or more smart telemetry devices operates using a first protocol and a least a second of the two or more smart telemetry devices operates using a second protocol (different electrical signals operate devices 32, column 9, lines 6-14,

40-48), wherein the request for information is to send information to the enterprise application from each of the at least two smart telemetry devices via a first Web Service technology (column 8, lines 28-36); and

forwarding the information to the enterprise software application via second Web Service technology (column 20, lines 33-35). Rezvani does not specifically implement a different Web Services technology in use with the virtual representations. However, Rezvani suggests that XML, a different Web Services technology, could be used for communication, see column 17, lines 1-9. It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Rezvani's different Web Service would have been an extension to the communication interface to the telemetry devices.. The motivation would have been because Rezvani suggests using XML in column 17, lines 1-9.

[claim 41] Rezvani taught the first Web Service technology comprises one or more of XML, SOAP, WSDL, UDDI, HTTP, or SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claim 42] Rezvani taught the second Web Service technology comprises one or more of XML, SOAP, WSDL, UDDI, HTTP, or SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claim 43] Rezvani taught at least one of the plurality of smart telemetry devices comprise one or more of a controller device or a monitor device (column 7, lines 13-15).

Response to Arguments

6. Applicant's arguments filed August 26, 2008 have been fully considered but they are not persuasive.

7. Applicant argues – "Fig. 1 of Rezvani illustrates that each device (or at least each type of device) requires different monitoring modules 28 to interact with the remote site. This interpretation is bolstered by the fact that monitoring modules are described as having different 'model types.' See Rezvani, col. 6, ll. 50-54."

a. Figure 1 in Rezvani clearly shows more than one device 32 attached to the monitoring module 28. According to column 6, lines 50-54, the monitoring modules may be of different types but so are the devices attached to monitoring module 28.

8. Applicant argues - "...Rezvani does not disclose a single monitoring module that interfaces with devices of multiple types. See Rezvani, Figs. 1, 2 and 3."

b. The devices 32 attached to the monitoring module 28 are of different types, including any device capable of being controlled by an external controller. The types of devices includes but is not limited to camera, radio, audio devices, visual displays, see column 6, lines 13-24.

9. Applicant argues – "In contrast, Rezvani must utilize multiple monitoring modules to interact with different types of devices."

c. See column 8, lines 59-65, clearly a single monitoring module 28 interfaces with multiple devices 32. Rezvani also provides that the devices 32 are not homogeneous. Applicant has confused Rezvani's needing multiple device

descriptors 46 within a single monitoring module 28 to handle the multiple devices 32 with needing multiple monitoring modules.

10. Applicant argues – '…[T]here is no discussion in Rezvani of using a first Web Service to replay a request between and enterprise application and a server and using a second Web Service to relay information between a smart telemetry device and the server."

d. Applicant admits on page 14, that Rezvani taught "…communication from monitoring module 28 to remote site 14 may be done using … the normal HTTP post method discussed hereinbefore." HTTP is a Web Service technology. The rejection using Rezvani to address the amended claims, clearly associates the browser 26 with the enterprise application, the monitoring module 28 with the server and smart telemetry devices with devices 32.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Alexander et al., US 2002/0068984 A1: taught an open protocol for controlling remote network devices, a premise service is used to translate commands into a device-specific format; and

13. Vogel et al., US 6,807,515 B2: taught a probe server control probes of a wireless network at posts and the probes provide feedback on how the wireless network is operating.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2445

November 9, 2008